

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel, W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

v.

Case No. 4:05-CV-329-JOE-SAJ

TYSON FOODS, INC.; TYSON POULTRY, INC.; TYSON CHICKEN, INC.; COBB-VANTRESS, INC.; AVIAGEN, INC.; CAL-MAINE FOODS, INC.; CAL-MAINE FARMS, INC.; CARGILL, INC.; CARGILL TURKEY PRODUCTION, LLC.; GEORGE'S, INC.; GEORGE'S FARMS, INC.; PETERSON FARMS, INC.; SIMMONS FOODS, INC.; and WILLOW BROOK FOODS, INC.,

Defendants.

MOTION FOR LEAVE TO FILE OVERLENGTH BRIEFS

Defendants Tyson Poultry, Inc., Tyson Foods, Inc., and Cobb-Vantress, Inc. (collectively "Moving Defendants") hereby request leave from the Court, pursuant to N.D. LCvR 7.1(c), to file overlength reply briefs in support of their individual motions to dismiss. Specifically: (1) Tyson Poultry, Inc. requests a five (5) page extension, for a total limit of fifteen (15) pages, on its reply brief in support of the Motion to Dismiss Count 3 of Plaintiffs' First Amended Complaint and Integrated Opening Brief in Support (Docket No. 64); (2) Tyson Foods, Inc. requests a five (5) page extension, or a fifteen (15) page limit, for its reply brief in support of its Motion to Dismiss Counts 4-10 of the First Amended Complaint and Integrated Opening Brief in Support (Docket No. 66); and

(3) Cobb-Vantress, Inc., requests a five (5) page extension, or a fifteen (15) page limit, for its reply brief in support of its Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay the Action and Integrated Opening Brief in Support (Docket No. 67). In support of this Motion for Leave to File Overlength Briefs, the Moving Defendants state:

1. Reply briefs in support of the motions to dismiss listed above are required to be filed by December 6, 2005.

2. Counsel for the Moving Defendants has consulted with counsel for Plaintiffs and is authorized to state that Plaintiffs have no objection to the requested page extensions.

Therefore, the Moving Defendants pray that the Court grant this Motion for Leave to File Overlength Briefs, allowing each of the Moving Defendants a fifteen (15) page limit for their respective reply briefs. The Moving Defendants also request such other and further relief as is deemed just and equitable under the circumstances.

Respectfully submitted,

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ATTORNEYS FOR TYSON FOODS,
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TYSON CHICKEN, INC; AND COBB-
VANTRESS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2005, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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and I further certify that a true and correct copy of the above and foregoing will be mailed via regular mail through the United States Postal Service, postage properly paid, on the following who are not registered participants of the ECF System:

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